



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

LEO T. ERNST
Assistant Corporation Counsel
Labor & Employment Law Division
Phone: (212) 356-2549

May 20, 2020

By ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSEMENT

Re: Saborit v. N.Y.C. Health & Hosps. Corp., et al.,
19 Civ. 4686 (LJL) (GWG)
Our No. 2019-039087

Dear Judge Gorenstein:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for all defendants in the above-referenced action. I write, jointly with plaintiff, to request that (1) the close of fact discovery be extended thirty days, from May 22, 2020 to June 22, 2020; (2) a settlement conference be scheduled with the Court for a date after the extended close of discovery on June 22, 2020; and (3) that defendants' deadline to file their anticipated dispositive motion for summary judgment be extended until after the settlement conference is held. This is the parties' second request for an extension of discovery, first request for a settlement conference, and first request for an extension of defendants' deadline to move for summary judgment.

Regarding the parties' first request, for a thirty-day extension of fact discovery, the parties have exchanged substantial discovery in this case, and have very few outstanding issues. However, defendants are still awaiting the production of plaintiff's medical records from a medical provider for which plaintiff has provided a HIPAA-compliant release. Such delays in the production of medical records from medical providers are to be expected given the COVID-19 pandemic. Further, although all depositions will be completed by Friday, May 22, 2020, including defendants' deposition of the plaintiff which took place on May 1, 2020, defendants have left plaintiff's deposition open and reserved the right to question plaintiff regarding the substance of the medical records which have yet to be produced. For these reasons, the parties request an additional thirty days to complete discovery.

HONORABLE GABRIEL W. GORENSTEIN

United States Magistrate Judge

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Regarding the parties' second request, for a settlement conference, plaintiff and defendants are interested in exploring settlement and believe that it would be in the best interest of all parties to determine whether this case can be resolved prior to the additional expense of dispositive pre-trial motion practice. The parties respectfully request the Court's assistance in facilitating a potential settlement of this case at a settlement conference to take place after the extended close of discovery on June 22, 2020.

Regarding the parties' third request, it would be economical and preserve the Court's and the parties' resources to extend defendants' deadline to file their anticipated dispositive summary judgment motion until such time as the parties can seek resolution of the case at a settlement conference. Should the parties fail to settle the case at the settlement conference, defendants suggest that a briefing schedule be set for defendants' summary judgment motion at that time.

Thank you for your consideration of these requests.

Respectfully submitted,

/s/

Leo T. Ernst


Assistant Corporation Counsel

To: **CRUMILLER, P.C.**
(By ECF)

The discovery deadline is extended to June 22, 2020. The parties shall report to the Court by letter as soon as they are prepared to participate in a settlement conference and one will be scheduled at that time. If the parties have not so reported by June 22, 2020, they shall file a letter on that date explaining the status of their readiness for settlement. The deadline for the filing of any summary judgment is adjourned pending the settlement conference.

So ordered.

Dated: May 20, 2020



GABRIEL W. GORENSTEIN
United States Magistrate Judge